REMARKS

Reconsideration of the allowability of the present application is requested respectfully.

Status of the Claims

Claims 1 to 11 and 21 to 30 are pending. No claims have been allowed. No claims have been amended. No claims have been cancelled. Claim 31 has been added. Accordingly, Claims 1 to 11 and 21 to 31 are presented for examination.

Claim 31 recites a method for preserving bone marrow stromal cells (BMSCs). Support for this claim may be found from page 11, line 20, to page 12, line 2, and on page 18, lines 1 to 20 of the application.

In response to the Examiner's Final Action dated September 19, 2002, Applicants traversed the claim rejections, added new claim 31, and filed a Notice of Appeal on March 19, 2003.

In response to Applicants' arguments, the Examiner has maintained all claim rejections. Furthermore, new Claim 31 was not entered because, according to the Examiner, it raises new issues that would require further consideration and/or search. In order to satisfy the "submission" requirement of 37 C.F.R. §1.114, Applicants have amended the claims by re-submitting new Claim 31.

The Notice of Appeal was received by the USPTO on March 28, 2003. Therefore, the deadline for response to the Advisory Action is May 28, 2003, extendable up to five months.

Applicants believe it would be useful at this point to request examination of Claim 31 and to request clarification of the Examiner's rejection under 35 U.S.C §103(a) of Claims 1 to 5, 7 to 11, 21, 22, and 24 to 30.

The 35 U.S.C §103(a) Rejections in further view of Lobb et al.

Claims 1 to 5, 7 to 11, 21, 22, and 24 to 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al. in view of Greenberger et al., and Boswell et al., and further in view of Lobb et al. (*Biochem. Biophy. Res. Com.*).

The Examiner's §103(a) rejection of Claims 1 to 5, 7 to 11, 21, 22, and 24 to 30 is traversed.

The Examiner has asserted on page 8 of the September 19, 2002 Action that "Lobb et al. not only contemplated that VCAM-1 is a surface molecule and could be used for leukocyte targeting, they in fact have transfected cells with the full-length VCAM previously". This exact quote is repeated again on page 3 of the Advisory Action of April 22, 2003.

Applicants again respectfully request clarification as to why the Examiner believes that Lobb et al. have previously transfected HUVECs with VCAM-1, considering that freshly isolated HUVECs already express VCAM-1. If the Examiner is suggesting that Lobb et al. have transfected some other cell type with VCAM-1, please cite the specific passage in the publication.

Lobb et al. discloses the transfection and expression of secreted recombinant soluble VCAM-1 (rsV-CAM-1) in CHO cells. rsVCAM-1 lacks a transmembrane region (see Figure 1 of Lobb et al.) and thus is not a cell surface molecule. The Examiner has cited the last paragraph of page 1503 of Lobb et al. to support this rejection. This paragraph states (emphasis added by Examiner):

> In summary, we have generated milligram quantities of a soluble monomeric form of human VCAM1. rsVCAM1 can serve as a functional adhesion protein demonstrating the same specificity as VCAM1 expressed at the surface of HUVECs, and should prove useful for the evaluation of the effects of VCAM1/VLA4 cognate recognition on leukocyte function.

Applicants submit that there is nothing in this passage that suggests that Lobb et al. transfected any cell, especially HUVECs, with full-length VCAM-1. HUVECs already express VCAM-1 endogenously. The first sentence on page 1498 (following the abstract) of Lobb et al. states: "VCAM-1 is a member of the immunoglobulin (Ig) superfamily which is expressed on human umbilical vein endothelial cells (HUVECs)". Thus, Applicants reiterate that Lobb et al. does not disclose transfection and expression of any cell surface molecules and specifically does not disclose transfection and expression of VCAM-1. Thus, the Examiner's assertion that Lobb et al. can be applied for the teaching of expressing cell surface molecules is without basis. Accordingly, applicants respectfully request withdrawal of the §103(a) rejection of Claims 1 to 5, 7 to 11, 21, 22, and 24 to 30 as being unpatentable over Anderson et al. in view of Greenberger et al., and Boswell et al., and further in view of Lobb et al.

Respectfully submitted,

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